

09 MAY 2005

Atty's Dkt: MIZUTANI3

In re Application of:

Akihiko MIZUTANI

Serial No. 10/510,644

IA Filing Date: May 9, 2003

For: LIGHT-STABILIZED SOFT CAPSULE FORMULATION

) Application Division

) ATTN: PCT

) Washington, D.C.

) Confirmation No. 4955

) Date: May 9, 2005

LATE SUBMISSION OF DECLARATION AND/OR FEES IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office
 Customer Service Window
 Randolph Building, Mail Stop Missing Parts
 401 Dulany Street
 Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated March 10, 2005. Attached hereto is/are:

- ☐ An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title and priority information.
- ☐ An exact English language translation of the PCT application as originally filed.
- ☐ Exact English language translation of the Annexes to the International Preliminary Examination Report containing substitute pages ____ of the specification and new claims ____ to be used for examination.
- ☒ A Preliminary Amendment ☒ Fees are reduced due to elimination of claim multiple dependencies.
- ☐ Copy of the "Sequence Listing" in computer readable form (CRF) and statement that contents of the CRF are the same as the paper copy.
- ☒ An Information Disclosure Statement with 08A- 1449 and 6 references.
- ☐ Additional fees as calculated below:

<input type="checkbox"/> Basic fee			
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).			\$
Number of each additional 50 pages or fraction thereof (round up to a whole number)		RATE	
		X \$250.00	
Number of Claims Previously Paid For	Number of Extra Claims	Rate	
15 - 20 = 0		X \$ 50.00	\$
3 - 3 = 0		X \$200.00	\$
Multiple Dependent Claims (if applicable)		+ \$360.00	\$
TOTAL OF ABOVE CALCULATIONS			\$
Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.			<\$ >
SUBTOTAL			\$
Processing fee of \$130.00 for late furnishing of the English translation.			\$
TOTAL NATIONAL FEE			\$

☐ Total fees enclosed: \$.00

☐ Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$.00 is enclosed to cover the above fees.

☒ Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.
 Attorneys for Applicant(s)

By:

Roger L. Browdy

Registration No. 25,618

RLB:ses

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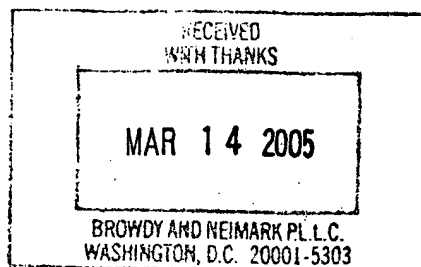
UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/PT 09 MAY 2005

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/510,644	FIRST NAMED APPLICANT Akihiko Mizutani	ATTY. DOCKET NO. MIZUTANI3
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INTERNATIONAL APPLICATION NO. PCT/JP03/05823	
LA. FILING DATE 05/09/2003	PRIORITY DATE 05/09/2002

CONFIRMATION NO. 4955
371 FORMALITIES LETTER



OC000000015255437

Date Mailed: 03/10/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/08/2004
- English Translation of the IA filed on 10/08/2004
- Copy of the International Search Report filed on 10/08/2004
- Copy of IPE Report filed on 10/08/2004
- Oath or Declaration filed on 10/08/2004
- Request for Immediate Examination filed on 10/08/2004
- Copy of references cited in ISR filed on 10/08/2004
- U.S. Basic National Fees filed on 10/08/2004
- Priority Documents filed on 10/08/2004

MSP/IDS/PRE. AND - 10MY/2005.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$360 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$360 for a Large Entity:

- Total additional claim fee(s) for this application is \$ 360.
 - \$360 for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/510,644	PCT/JP03/05823	MIZUTANI3

FORM PCT/DO/EO/923 (371 Formalities Notice)

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